

IN RE: PETITION FOR ZONING VARIANCE
N/S Big Falls Road, 4,850'
NE of Monken Road
(17318 Big Falls Road)
7th Election District
3rd Councilmanic District
Mary Ardella Richardson
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-422-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit side yard setbacks of 13 feet in lieu of the required 50 feet and a setback to the centerline of the road of 60 feet in lieu of the required 75 feet, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition was William H. Smith, registered property line surveyor. There were no Protestants.

Testimony indicated that the subject property, zoned R.C. 5, is an unimproved building lot consisting of 0.58 acres, plus or minus, located at 17318 Big Falls Road. The Petitioner's father purchased the property in 1959 and transferred same to the Petitioner in 1984. Petitioner proposes constructing a new dwelling on the property and due to the layout of the land, no house can be built that will comply with the zoning regulations. The Petitioner testified that she has spoken to the neighbors adjoining both sides of her property and they indicated they have no objection to her proposal.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and therefore, the variances should be granted. There is no evidence in the record that the subject variances would adversely affect the health, safety, and/or general welfare of the

public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, in the opinion of the Deputy Zoning Commissioner, the requested variances should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of April, 1988 that side yard setbacks of 13 feet in lieu of the required 50 feet and a setback to the centerline of the road of 60 feet in lieu of the required 75 feet, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND

District 774
Posted for: Posting
Petitioner: Mary Ardella Richardson
Location of property: 17318 Big Falls Rd., 4850' NE of Monken Rd., 7th Election District - 3rd Councilmanic District
Location of Sign: 17318 Big Falls Rd., 4850' NE of Monken Rd., 7th Election District - 3rd Councilmanic District
Remarks: Property of P. H. Smith
Posted by: M. H. Smith
Number of Signs: 1
Date of Posting: 4/27/88
Date of return: 4/28/88

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., March 31, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on March 31, 1988

THE JEFFERSONIAN,

Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Zoning Variance
Case number 88-422-A
N/S Big Falls Road, 4850' NE of Monken Road
7th Election District
3rd Councilmanic District
Petitioner(s) Mary Ardella Richardson
Hearing Date: Friday, April 22, 1988 at 10:00 a.m.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day period provided. The Zoning Commissioner will, however, entertain during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
3411 Mar. 31.

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a variance from Section 1404.3.B.3 to permit side yard setbacks of 13 feet in lieu of the required 50 feet and a setback of 60 feet to the centerline of the road in lieu of the required 75 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

The average width of the subject lot is 80 feet and therefore the minimum 50 feet side yard setback cannot be met. By this petition the petitioner requests a variance from the required minimum of 50 feet to 13 feet each side.

The front yard setback is requested because of the narrow road width. A 50-foot setback is being maintained to the front property line. To move the dwelling further to the rear would limit the area for septic drain field.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____
Address: _____
Phone No.: _____

Legal Owner(s): _____
Mary Ardella Richardson
(Type or Print Name)
Signature: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
Name: _____
Address: _____
Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day of April, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of April, 1988, at 10:00 o'clock A.M.

ESTIMATED LENGTH OF HEARING: 1/2 HR.
AVAILABLE FOR HEARING: MON./TUESDAY - NEXT TWO MONTHS (over)
CALL ORIGIN: _____
REVIEWED BY: J.R. DATE: 3/28/88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

MAR 01 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case number 88-422-A
N/S Big Falls Road, 4850' NE of Monken Road
7th Election District - 3rd Councilmanic District
Petitioner(s) Mary Ardella Richardson
HEARING SCHEDULED: FRIDAY, APRIL 22, 1988 at 10:00 a.m.

Variance to permit side yard setbacks of 13 feet in lieu of the required 50 feet and a setback of 60 feet to the centerline of the road in lieu of the required 75 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day period provided. The Zoning Commissioner will, however, entertain during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or above or presented at the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 47538
47538

DATE: 3/28/88 ACCOUNT: 47538
AMOUNT: \$ 22.00

RECEIVED FROM: _____
FOR: _____

Office of
PATUXENT
Publishing Company

April 6 19 88

THIS IS TO CERTIFY, that the annexed advertisement of

NOTICE OF HEARING

was inserted in the following:
☐ Catonsville Times ☐ Rooster Weekly
☐ Arbutus Times ☐ Owings Mills Flier
☐ Reporter Weekly ☐ Towson Flier \$20.35
weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 2 day of April, 1988, that is to
say, the same was inserted in the issues of

March 31, 1988

PATUXENT PUBLISHING COMPANY
By: _____

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY
Plaintiff
vs.
Defendant
CERTIFICATE OF PUBLICATION OF

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

Date: _____

Re: Mary Ardella Richardson
15807 Teebe Road
Sparks, Maryland 21152
Re: Petition for Zoning Variance
Case number 88-422-A
N/S Big Falls Road, 4850' NE of Monken Road
7th Election District - 3rd Councilmanic District
Petitioner(s) Mary Ardella Richardson
HEARING SCHEDULED: FRIDAY, APRIL 22, 1988 at 10:00 a.m.

Dear Ms. Richardson:

Please be advised that _____ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 106, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 50542

DATE: 3/28/88 ACCOUNT: 50542 DUES: _____
AMOUNT: \$ 22.00

RECEIVED FROM: _____
FOR: _____

INFS
nasion of
unity

VALIDATION OR SIGNATURE OF CASHIER

88-422-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
1st day of February, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Mary Ardella Richardson
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

2/12/88
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 281, Zoning Advisory Committee Meeting of February 16, 1988

Property Owner: Mary Ardella Richardson

Location: N/S Big Falls Rd. 4850' NE Monkton Rd. District 7

Water Supply private Sewage Disposal private

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other amusements pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Material and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3759, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled.
- () Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3759.
- () Soil percolation tests, have been conducted must be conducted.
- () The results are valid until 2/26/88 23 1988.
- () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test shall be valid until 10-20-90 is not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others

Karen M. Cherry
KAREN M. CHERRY
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner

P. David Fields
FROM: Director of Planning and Zoning
Zoning Petition Nos. 88-413-A,
88-420-A, 88-421-A, 88-422-A,
88-423-A, 88-424-A, 88-425-A,
88-426-A, 88-427-A, 88-428-A, 88-429-A

Date: March 24, 1988

There are no comprehensive planning factors requiring comment on this petition.

PDF:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

P. David Fields per J. Haines
P. David Fields
Director

RECEIVED
APR 4 1988
ZONING OFFICE

cc: *Mr. Richardson*
CPS-008

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3354

March 2, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comment for items number 280, 281, 282, 283 and 284.

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF/pml-b

RECEIVED
MAR 9 1988
ZONING OFFICE

A. L. Dwyer
A. L. DWYER
1911 Sunnyside Pike
Hampstead, Maryland 21074

(301) 833-3722

(301) 833-3731

November 5, 1987

Description

To accompany Petition for Zoning Variance
for
The Mary Ardella Richardson Property

Beginning for the same on the north side of Big Falls Road,
approximately 1450 feet northeasterly from Monkton Road, and
running,

- 1.) N 11° 12' W 132.0 feet, thence
- 2.) N 68° 11' E 27.7 feet, thence
- 3.) S 20° 23' E 117.5 feet, and thence
- 4.) S 63° 11' W 94.0 feet, to the place
of beginning, containing 0.583 acres of land, more or less.

MEMBER and Sec of Surveyors • W Va Assoc of Land Surveyors • ACES • CCASE

Baltimore County
Fire Department
Towson, Maryland 21204-2286
494-4300

Paul H. Reincke
Chief

February 11, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Mary Ardella Richardson

Location: N/S Big Falls Road, 4850' NE Monkton Road

Item No.: 281 Zoning Agenda: Meeting of 2/16/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comment at this time.

REVIEWER: *John F. Rasmussen* Noted and Approved: *John F. Rasmussen*
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 15, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Ms. Mary Ardella Richardson
15807 Yebo Road
Sparks, Maryland 21152

RE: Item No. 281 - Case No. 88-422-A
Petitioner: Mary Ardella Richardson
Petition for Zoning Variance

Dear Ms. Richardson:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. The petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures